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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stanley R. Pearson

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07/22/2010

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EXAMINER

VALENROD, YEVGENY

ART UNIT

PAPER NUMBER

1621

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

The following is a final office action in application # 10/568,403.

Rejections of claims 45-48 under 35 USC 112 2nd paragraph are withdrawn in view of applicants' amendments to the claims.

Rejection of claims 46-48 under 35 USC 112 1st paragraph is withdrawn in view of applicants' amendments to the claims.

Rejection of claims 45-48 under 35 USC 103(a) over Thiebaut et al. is withdrawn in view of amendments to the claims.

Rejection of claims 45-48 of the grounds of nonstatutory obviousness-type double patenting over claims 22-24 of US 7,375,142 is maintained. The terminal Disclaimer filed 4/24/10 has not been approved. The text of the rejection is repeated below. New claims 58-60 have been added to the text of the rejection with an explanation why the additional limitations of said claims are obvious over claims 22-24 of '142.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

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from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 45-48 and 58-60 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22-24 of U.S. Patent No. 7,375,142. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The steps recited in the instant claims 45-48 are limitations of claims 22-24 of the '142 patent.

The additional limitations set forth in claims 58-60 are obvious over claims 2-24 of the '142 patent.

Claim 58: One skilled in the art would find it obvious to alter the pressure of the reaction in order to determine the desired pressure for the process. Doing so is within the realm of routine experimentation is obvious absent unexpected results.

Claim 59: Claim 22 of '142, teaches introducing feedstock with steam into the reformer. Limitation of claim 59 is therefore met.

Claim 60: One skilled in the art would find it obvious to adjust the amount of steam introduced into the reformer. Adjusting parameters such as concentration,

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pressure, temperature is within the realm of routine experimentation. One would be motivated to do so in order to determine optimal parameters for the process.

Conclusion

Claims 45-48 and 58-60 are pending.

Claims 45-48 and 58-60 are rejected.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yevgeny Valenrod whose telephone number is 571-272-9049. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yevgeny Valenrod/

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